SIKKIM

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HIGH COURT OF SIKKIM
GANGTOK

No. 44/HCS **Date: 28.11.2025**

NOTIFICATION

In exercise of the powers under Article 225 and Article 227 of the Constitution of India, the High Court of Sikkim, has framed the following Rules to set up infrastructure and framework to enable live streaming and recording of proceedings to imbue greater transparency, inclusivity, and foster access to justice.

1. **Short title, Commencement and Application :-**

   (i) These Rules shall be called the High Court of Sikkim (Live Streaming and Recording of Court Proceedings) Rules, 2025.

   (ii) These Rules shall come into force on the date of publication in the Official Gazette.

   (iii) These Rules shall apply to the High Court of Sikkim and to the Courts and Tribunals over which it has supervisory jurisdiction.

2. **Definition :** In these Rules, unless the context or the subject matter otherwise requires :-

   (i) **Archival Data** means audio and visual data recorded during the conduct of the proceedings and retained by the Court.

   (ii) **Bench** means the Judge(s) assigned to hear the case filed before the Court.

   (iii) **Chief Justice** means the Chief Justice of the High Court of Sikkim, including the Acting Chief Justice.

   (iv) **Communication Device** means a hardware device capable of transmitting analog or digital signal over the telephone and other communication devices, whether wired or wireless.

   (v) **Courts** means the High Court of Sikkim and/or all the Courts/Tribunals under its supervision under Article 227 of the Constitution of India.

   (vi) **Court Master/Reader** means the Court Staff that assists the Court in the conduct of proceedings, including updating of the cause lists published on the display board.

(vii) **Court Premises** means and includes buildings and complexes under the authority of Courts.

(viii) **Designated Officer** means the Central Project Coordinator or any other Officer mandated to carry out the function of granting access to copies of recording under these Rules.

(ix) **Designated Venue** means and includes a Courtroom or any other place where the proceedings are conducted, whether within the Court premises or at a remote location.

(x) **Hardware** means and includes equipment to be installed for live streaming and recording of proceedings or any ancillary activity.

(xi) **ICT Committee** means and includes a committee constituted by the Chief Justice to deal with matters concerning information and communication technology, also referred to as the Steering Committee for implementation of the Information and Communication Technology for the Courts under eCourts Mission Mode Project.

(xii) **Live-stream/Live-streamed/Live streaming** means and includes a live television link, webcast, audio-video transmissions via electronic means or other arrangements whereby any person can view the proceedings as permitted under these Rules.

(xiii) **Proceedings** mean and include judicial proceedings, Lok Adalat proceeding, full-court references, official transfer, elevation, retirement, farewells organized by the Court.

(xiv) **Recording** means audio and video data of proceedings stored in electronic format, whether it is live streamed or not.

(xv) **Recording Device** means and includes a device capable of recording images or sound, including but not limited to camera, audio recorder, video recorder, mobile, telephone, or screen recorder.

(xvi) **Central Project Coordinator** means and includes any Officer so designated by the Chief Justice of the High Court.

(xvii) **Remote Location** means and includes a geographical location, different from the Court premises, from where proceedings are conducted.

(xviii) **Transcript** means the official written record of the proceedings published as per the directions of the Court.

3. Hardware-Placement and Control :-

3.1. Requisite number of cameras will be installed in the Courtroom covering all necessary angles for smooth live streaming and recording of Court proceedings.

3.2. If the Court has employed an electronic evidence presentation system, an additional feed shall be captured therefrom.

3.3. A remote control device will be provided to the Presiding Judge on the bench to pause or stop the live streaming at any time.

3.4. Advocates, witnesses, accused, or any other person permitted by the Bench/Presiding Officer will use appropriate microphones while addressing the Court.

3.5. Appropriate hardware may be deployed for remote location to the extent practicable.

3.6. Where proceedings are conducted through weblinks, including video conferencing services, appropriate software and hardware will be employed, if necessary, to generate an integrated feed for live streaming.

4. Requisitioning and Positioning of Human Resources:-

4.1. A dedicated control room (DCR) may be set up for every Court complex.

4.2. The DCR may, inter-alia, comprise an Officer of the Court or a technical and video-recording experts. The DCR will monitor and track proceedings as they are live streamed, recorded, and transcribed. The DCR shall ensure that nothing uncivil or inappropriate is streamed in the public domain.

4.3. The coverage of proceedings will be coordinated by the technical experts under the direct supervision of the Central Project Coordinator or her/his nominee.

4.4. The Central Project Coordinator and/or their nominee shall be subject to the direction of ICT Committee for overall implementation of live streaming and recording of proceedings.

5. Personnel positioned in the Court :-

In addition to the Court Master/Reader and Court staff attached to the Bench, technical expert(s) will be deputed in each of the Court premises or designated venue to enable the live streaming of proceedings. The technical expert(s) shall function under the overall supervision of the DCR.

6. Live Streaming and Recording of Proceedings :-

6.1. Subject to the exclusions contained within these Rules, all proceedings will be live streamed by the Court.

6.2. The following will be excluded from live streaming:

(i) Matrimonial/Family matters, child adoption and child custody including transfer petitions arising thereunder;

(ii) Cases concerning sexual offences, including proceedings instituted under Section 64, Bharatiya Nyaya Sanhita, 2023;

(iii) Cases concerning gender-based violence against women;

(iv) Matters registered under or involving the Protection of Children from Sexual Offences Act, 2012 and under the Juvenile Justice (Care and Protection of Children) Act, 2015;

(v) Matters registered under or involving the Medical Termination of Pregnancy Act, 1971;

(vi) In-camera proceedings as defined under Section 366, Bharatiya Nagarik Suraksha Sanhita, 2023 or Section 153B of the Code of Civil Procedure, 1908;

(vii) Matters where the Bench/Presiding Officer is of the view, for reasons to be recorded in writing that publication would be antithetical to the administration of justice;

(viii) Cases, which in the opinion of the Bench/Presiding Officer may provoke enmity amongst communities likely to result in a breach of law and order;

(ix) Recording of evidence, including cross-examination;

(x) Privileged communications between the parties and their Advocates; cases where a claim of privilege is accepted by the Court; and non-public discussion between Advocates;

(xi) Any other matter in which a specific direction is issued by the Bench/Presiding Officer or the Chief Justice.

6.3. Live streaming in certain cases may be restricted to final arguments.

6.4. The Court Master/Reader shall duly inform the parties, before the commencement of the proceedings, that the proceedings are being live streamed and that objections, if any, should be articulated at that juncture to the concerned Bench/Presiding Officer.

6.5. Objections, if any, to live streaming may be raised at the time of institution of the case or any later stage. The final decision in that behalf shall be of the Bench/Presiding Officer.

(i) Objection to live streaming, if any, shall be raised by the party by filing the Form prescribed in **Schedule I.**

(ii) A person objecting to live streaming at a later stage, shall do so by filing the Form prescribed in **Schedule II.**

6.6. The final decision as to whether to allow the live streaming of the proceedings or any portion thereof will be exclusively within the domain of the concerned Bench/Presiding Officer. The decision of the Bench/Presiding Officer shall not be justiciable under any circumstances.

6.7. In cases where the proceedings are not live streamed, the recording shall be maintained for usage by the Court and the appellate Court(s), subject to the following:

(i) Access to the recording of the testimony of witnesses will not be given until such time that the evidence is recorded in its entirety.

(ii) Transcript of the recordings would be made available to the Advocate or litigant-in-person.

(iii) In case of litigant-in-person, who is also a witness in the matter, the Bench/Presiding Officer in its discretion will decide as to the stage at which the litigants-in-person should have access to the recordings of the testimonies concerning the other witnesses in the matter.

6.8. In criminal matters, the testimony of victims and witnesses will be recorded for the exclusive use of the concerned Bench and the appellate Court(s), as per the direction issued in that behalf. The anonymity of the victims and witnesses shall be maintained in the recordings via dummy names, face-masking, pixelation and/or electronic distortion of voice, as and when directed by the Court.

6.9. Audio-video recording or recording of proceedings by any other means, beyond the mandate of the present Rules is expressly prohibited.

7. Manner of Recording of Proceedings :-

7.1. The cameras in the Court shall be as per Rule 3.1.

7.2. The cameras shall not ordinarily audio-video record the media persons and the visitors present during the proceedings.

7.3. The following will ordinarily not be live streamed or saved in the archival data or transcribed:

(i) Discussions between/amongst the Judges on the Bench;

(ii) Instructions given by a Judge/Presiding Officer to the administrative staff during the proceedings;

(iii) Any communication/message/document given by the Court master/reader to the Bench/Presiding Officer;

(iv) Documents given to the Judge/Presiding Officer during the proceedings;

(v) Notes taken down by the Judge/Presiding Officer during the proceedings;

(vi) Notes made by an Advocate either on paper or in electronic form, for assistance, while making submissions before the Bench/Court;

(vii) Communication between the Advocate and client, inter-se the Advocates, and communications which is not a submission exchanged between the Advocate and the Court.

7.4. If one or more circumstances mentioned in Rule 7.3 occur, the monitor will display the message: **"Live streaming paused as per applicable Rules".**

7.5. In case the Judge/Presiding Officer concerned on the Bench is desirous of opting out of live streaming while dictating the order oral/judgment, live streaming will be paused during that period. In such circumstances, the monitors will display a message: **"Order-dictation in progress".** Likewise, when the Bench/Presiding Officer rises for recess or otherwise, the live streaming will be paused, and the monitor will display the message: **"Court not in-session".**

8. Storage and Access:-

8.1. The recordings will be archived.

8.2. Recordings may be uploaded, wholly or in part, on the Courts' website or made available on other digital platforms, as directed by the Court.

8.3. Access to copies of the recordings not uploaded will be sanctioned by the Designated Officer, who will act in accordance with law. An application for copies of recordings shall be made in the Form prescribed in **Schedule III.**

8.4. The archived data should ordinarily be retained by the Court for at least six months, subject to special directions issued by the concerned Bench/Court in a particular case. The Chief Justice may issue practice directions regarding the cases and the period for which archived data will be preserved. Archived data shall be stored in electronic devices in encrypted form with a specific hash (#) value.

9. Relay of Proceedings and Recordings:-

9.1. General Precaution:- Personal information such as date of birth of parties, home address, identity card number, bank account information, and the personal information of related parties, such as close relatives, witnesses and other participants, will be deleted or muted during live streaming. Inter alia, any one of the masking techniques, as provided in rule 6.8, may be adopted. However, such proceedings will be preserved in the archival data.

9.2. The Advocates and litigants-in-person may request the Bench/Court to redact personal and sensitive information inter alia of the kind referred to in Rule 9.1.

9.3. Relay of Proceedings:-

(i) Subject to limitations contained in these Rules, the live stream shall commence as soon as the Bench assembles/Presiding Officer sits and instructs the Court staff to start the proceedings and shall end when the Bench/Court signals its conclusion for the day.

(ii) There shall be a delay of ten minutes in streaming, which may be changed as per the direction of the Bench/Court.

(iii) The live streaming shall be carried out from the designated venue as decided by the Bench/Court.

9.4. Relay of Recordings:-

The content of the recording will be vetted and shall be posted, usually within three days of the conclusion of the proceedings. The same shall be posted on the Courts' website or made available on such digital platforms, as directed by the Court.

10. Disclaimers, Prohibitions and Restrictions :-

10.1. Disclaimers :-

(i) The daily cause list published on the website of the Court shall contain requisite information and disclaimer regarding live streaming.

(ii) The archival data shall not constitute the official record of the Court proceedings unless otherwise directed by the Bench/Court.

(iii) The Court and Court Officer/staff will not be responsible for any delays or disruptions during live streaming resulting due to technical glitches in live streaming platform.

10.2. Prohibitions and restrictions on usage of the recording or live stream :-

(i) No person/entity (including print and electronic media, and social media platforms) other than an authorised person/entity shall record, share and/or disseminate live streamed proceedings or archival data. This provision shall also apply to all messaging applications. Any person/entity acting contrary to this provision will be prosecuted as per law. The Court shall have the exclusive copyright in the recordings and archival data. Any unauthorised usage of the live stream will be punishable as an offence under the Copyright Act, 1957; the Information Technology Act, 2000, and other provisions of law, including the law of contempt.

(ii) Any party/litigant-in-person accessing the live stream will be bound by these Rules.

(iii) The live stream shall not, without the prior written authorisation of the Court, be reproduced, transmitted, uploaded, posted, modified, published, or re-published in any form.

(iv) The use of authorised recordings in their original form may be permitted by the Court, inter-alia to disseminate news and for training, academic and educational purposes. Authorised recordings handed over for the aforesaid purposes shall not be further edited or processed. Such recordings will not be used for commercial, promotional purposes or advertising in any form.

(v) No person shall use a recording device for recording or for transcribing the proceedings, other than those authorised by the Court.

10.3. Use of communication device or recording device during proceedings :-

(i) A person must not use a communication device or a recording device to disturb proceedings in a manner that may cause concern to a witness or other participants in the proceedings or allow a person who is not a participant to receive information about the proceeding or the hearing to which the person is not otherwise entitled.

(ii) During proceedings, all personnel shall follow the instructions of the Presiding Judge, adhere to Courtroom etiquettes and discipline, and shall not engage in the following actions-audio and/or video recording, taking screenshots or using mobile communication tools to relay the proceedings.

(iii) Violation of sub-Rules (i) and (ii) will result in prosecution as per law. Additionally, the Bench/Court may also direct seizure of the communication device or recording device.

11. Transcription and Access:-

(i) Transcripts shall be prepared of recordings only when directed by Court.

(ii) The transcripts may be translated into other scheduled languages.

(iii) Recordings that are uploaded will be made accessible for differently abled persons.

12. Dedicated room(s) for live streaming:-

A dedicated room(s) for viewing the live stream may be made available within the Court premises in order to decongest the Court rooms. Access may be given to law researchers, staff, litigants, academicians and media personnel authorized to enter the Court premises upon receipt of necessary permissions/approvals. Appropriate arrangements may be made to enable viewing to live streams from multiple Benches within this/these room(s). Special arrangements will be made for differently-abled persons.

13. Power to Relax :-

The High Court may, if satisfied that the operation of any Rule is causing undue hardship, by order, dispense with or relax the requirements of that Rule to such extent and subject to such conditions as may be stipulated to deal with the case in a just and equitable manner.

14. Reference to Words and Expressions:-

Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them by law for the time being in force, including the Information Technology Act, 2000; Code of Civil Procedure, 1908; Bharatiya Nagarik Suraksha Sanhita, 2023; Bharatiya Sakshya Adhiniyam, 2023 and the General Clauses Act, 1897.

15. Residual Provisions:-

Matters concerning which no express provision is made in these Rules shall be decided by the Court consistent with the principle of furthering the interest of justice.

BY ORDER

CENTRAL PROJECT COORDINATOR
E-COURTS PROJECT,
HIGH COURT OF SIKKIM

SCHEDULE I

[Referred to in Rule 6(6.5)(i)]

Objection to live streaming of proceedings by filing party

1. Diary Number/Filing Number (if any):
2. Cause Title:
3. Reasons for objection to live streaming (please select one or more applicable). The case relates to:
   (i) Matrimonial matters, transfer petitions thereunder.
   (ii) Sexual offences, including proceedings instituted under Section 64, Bharatiya Nyaya Sanhita, 2023.
   (iii) Gender-based violence against women.
   (iv) POCSO Act, 2012 and under The Juvenile Justice (Care and Protection of Children) Act 2015.
   (v) In-camera proceedings as defined under Section 366, Bharatiya Nagarik Suraksha Sanhita, 2023 or Section 153B of the Code of Civil Procedure, 1908.
   (vi) Publication would be antithetical to the administration of justice.
   (vii) Other(s) (state the reason briefly): _____
4. Applicant Details:
   (i) Party name _____
   (ii) Plaintiff/Petitioner/Appellant/Applicant No _____
   (iii) Applicant Address_____
   (iv) Applicant Mobile/telephone number_____

I have read and understood the provisions of the Rules for live streaming for Courts (https:// hcs.gov.in/hcs/ sites/default/files/rules/LSR.pdf). I undertake to remain bound by the same to the extent applicable to me.

Signature of the Applicant/Authorised signatory:
(this application may be e-signed)

Date:

Digital Signature/Scanned Signature

For use of the Registry/Office

A. Bench/Court assigned:

B. Decision of the Bench/Court: Allowed/Not Allowed

Date:

SCHEDULE II

[Referred to in Rule 6(6.5)(ii)]

Objection to live streaming of proceedings

1. Number / CNR Number / Diary Number (if any):
2. Cause Title:
3. Date of Hearing (if already listed) (DD/MM/YYYY):
4. Reasons for objection to the live streaming (please select one or more applicable). Case relates to:
   (i) Matrimonial matters, transfer petitions thereunder.
   (ii) Sexual offences, including proceedings instituted under Section 64, Bharatiya Nyaya Sanhita, 2023.
   (iii) Gender-based violence against women.
   (iv) POCSO Act, 2012 and under The Juvenile Justice (Care and Protection of Children) Act 2015.
   (v) In-camera proceedings as defined under Section 393, Bharatiya Nagarik Suraksha Sanhita, 2023 or Section 153B of the Code of Civil Procedure, 1908.
   (vi) Publication would be antithetical to the administration of justice.
   (vii) Other(s) (state the reason briefly): _____
5. Applicant Details:
   (i) Party name :
   (ii) Select one :

   a. [i] Petitioner No._____ [ii] Accused No._____
      [iii] Plaintiff No._____
   b. [iv] Defendant No._____ [v] Applicant No._____
      [vi] Respondent No. _____ [vii] Deponent for No. _____
      [viii] Other(s) _____
      (iii) Applicant Address _____
      (iv) Applicant Mobile/telephone number_____

I have read and understood the provisions of the Rules for live streaming for Courts (https:// hcs.gov.in/hcs/sites/ default/files/rules/LSR.pdf). I undertake to remain bound by the same to the extent applicable to me.

Signature of the Applicant/Authorised Signatory:

(this application may be e- signed)

Date:

Digital Signature/Scanned Signature

For the use of the Registry/Office

A) Bench assigned:

B) Decision of the Bench: Allowed/Not Allowed

Date:

SCHEDULE III

[Referred to in Rule 8.3]

APPLICATION FORM FOR COPIES OF RECORDINGS AVAILABLE IN ARCHIVAL DATA

1. Case Number / CNR Number (if any):
2. Cause Title:
3. Date of Hearing (if already listed) (DD/MM/YYYY):
4. Applicant Status (select one):
   (i) Party to the proceedings
   (ii) Authorised Representative
   (iii) Advocate for the Party
   (iv) Third Party /None of the above (Please Specify)
5. Identification document enclosed:

(i) Bar Association ID (ii) Aadhaar Card (iii) PAN Card

(iv) Driver's License (v) Ration Card (vi) Other Government issued ID (please specify) _____

6. ID Number:_____
7. Applicant Address: _____
8. Applicant Mobile/telephone number:_____
9. Reason(s) for requesting access: _____
10. Format in which Recording is requested: (i) Cloud link
    (ii) Physical Drive

I have read and understood the provisions of the Rules for live streaming for Courts (https:// hcs.gov.in/hcs/sites/ default/files/rules/LSR.pdf). I undertake to remain bound by the same to the extent applicable to me. I undertake not to copy, distribute or publish, or cause the copying, distribution or publication of the recordings in any manner without the prior written approval of the Court.

Signature of the Applicant/Authorised Signatory:

(this application may be e-signed)

Date:

Digital Signature/Scanned Signature

For the use of the Registry/Office

WHETHER APPROVED BY DESIGNATED OFFICER:

Fee to be paid :